

Should the Examiner disagree, Applicants provisionally elect, with traverse, Group I, claims 1 – 21 directed to the apparatus.

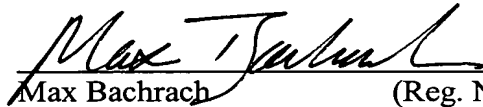
The Examiner has also required Applicants to elect one of the species and one of the subspecies listed in item 4 of the Office Action, pursuant to 35 U.S.C. § 121.

Applicants hereby elect a local anesthetic for Species I, and lidocaine for subspecies 1. The Examiner is reminded that, pursuant to MPEP § 803.02, following election, Markush-type claims should be examined fully with respect to the elected species and further to the extent necessary to determine patentability.

Applicants reserve the right to petition from the restriction requirement under 37 C.F.R. § 1.144. Applicants further reserve their right to file one or more divisional, continuation, or continuation-in-part applications directed to the subject matter recited by the non-elected claims, as well as to any other material disclosed in the specification that is not encompassed by the elected claims.

Respectfully submitted,

Date: March 23, 2005

  
Max Bachrach (Reg. No. 45,479)  
JONES DAY  
51 Louisiana Avenue, N.W.  
Washington, DC 20001  
(202) 879-3939

For: Samuel B. Abrams (Reg. No. 30,605)  
JONES DAY  
222 East 41<sup>st</sup> Street  
New York, NY 10017  
(212) 326-3939

Enclosures